



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 24

GLAXO WELLCOME INC.
P O BOX 13398
FIVE MOORE DRIVE
RESEARCH TRIANGLE PARK, NC 27709

COPY MAILED

MAR 24 2003

OFFICE OF PETITIONS

In re Application of
Karl Andrew Garrill et al
Application No. 09/599,274
Filed: June 22, 2000
Attorney Docket No. PG4114

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 16, 2003, to accept an unintentionally delayed claim under 35 U.S.C. § 120 to an additional nonprovisional application; namely, Application No. 09/216,183, filed December 18, 1998.

The petition is **dismissed** as moot.

The instant application was filed on June 22, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP 1481 and 65 F.R. 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the two \$1,300 surcharge fees charged to petitioner's deposit account will be credited in due course.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being forwarded to Technology Center AU 3728 for processing the Request for Continued Examination filed March 12, 2003.¹


Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ Acknowledgment is made of the amendments filed January 16, 2003 and March 12, 2003, as well as of the Supplemental Information Disclosure Statement filed March 12, 2003.